

MINUTES

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

COUNCIL CHAMBERS, 736 RICHLAND AVENUE, W., AIKEN, S. C.

REGULAR MEETING – SEPTEMBER 20, 2005 – 7: 00 P. M.

(A) CALL TO ORDER

Determining that a quorum was present, Chairman Young called the meeting to order.

Council Members present:

Chairman Ronnie Young
Kathy Rawls
Scott Singer
LaWana McKenzie
Chuck Smith
Charles Barton
Gary Bunker
Willar H. Hightower, Jr.

Council Members absent:

Eddie Butler

Also present:

J. Clay Killian, County Administrator
Robert M. Bell, County Attorney
Chris Ceasar, Assistant Council Clerk

(B) INVOCATION

Dispensed with.

(C) PLEDGE OF ALLEGIANCE

Dispensed with.

(D) APPROVAL OF MINUTES

1. August 16, 2005 Worksession
2. August 16, 2005 Regular Meeting
- a. Councilman Smith made a motion to approve the minutes. Councilwoman McKenzie seconded.
- b. The minutes were approved by unanimous vote.

(E) APPROVAL OF AGENDA

- a. Mr. Killian gave the following additions, deletions, and amendments to the agenda:
 1. Delete Public Hearing Item 1 – Request for rezoning was withdrawn.
 2. Delete Consent Item 3.
 3. Amend Consent Item 6 - Split the bid with Wingfoot Commercial Tire.

4. Delete Consent Item 8.
 5. Amend Consent Item 9 – To exclude Abraham Drive and Chapin Drive.
 6. Delete Consent Item 18.
 7. Amend Consent Item 22 – Add Cooper Pond Road.
 8. Add Consent Item 25a – Proposed Resolution to Authorize the Execution of an Easement Agreement With the State of South Carolina for a 12” Sewer Line for the Beech Island Sewer Project.
(Development Committee)
 9. Add Consent Item 25b – Proposed Resolution to Approve Clearing for New Holland Fire Department.
(Development Committee)
 10. Delete Consent Item 27.
 11. Delete New Business Item 1 – Request for rezoning was withdrawn.
 12. Add New Business Item 2 – Proposed Voice Motion To Approve the Job Description for Nuisance Officer I, II, III and Grade of Position in the Planning & Development Department.
- b. Councilwoman Rawls made a motion to approve the amended agenda. Councilman Barton seconded.
 - c. The amended agenda was approved by unanimous vote.

(F) PUBLIC HEARINGS

1. **DELETED**
2. Proposed Ordinance to Appropriate Funds from the General Fund of Aiken County to Reimburse Late Fees and Penalties Paid on Certain Parcels of Property Identified by Tax Parcels 087-12-02-003, 123-09-11-001, 134-06-01-003, 087-12-02-018, 036-08-03-013, and 036-08-03-011 Owned by Johnny O. Jackson to Promote the Interest of Justice and Equity.
 - a. No comments were made.

(G) OLD BUSINESS

1. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 026-20-09-002 Located at 263 Dobson Road, Beech Island, SC in Council District 3 from RUD to UD.
(McKenzie) (Third Reading)
 - a. Councilman Singer moved for the adoption. Councilwoman McKenzie seconded.
 - b. Passed by unanimous vote.
2. Proposed Ordinance to Appropriate Funds from the General Fund of Aiken County to Reimburse Late Fees and Penalties Paid on Certain Parcels of Property Identified by Tax Parcels 087-12-02-

003, 123-09-11-001, 087-12-02-018, 036-08-03-013, and 036-08-03-011 Owned by Johnny O. Jackson to Promote the Interest of Justice and Equity.
(County Council) (Third Reading)

- a. Councilwoman Rawls made a motion for the approval. Councilman Hightower seconded.
- b. Passed by unanimous vote.

(H) CONSENT AGENDA/INTRODUCTION OF ORDINANCES FOR FIRST READING

I. REGULAR CONSENT AGENDA

1. Proposed Voice Motion To Appoint Mr. Rick Osbon to Represent Aiken County on the Board of Directors of the Three Rivers Solid Waste Authority Solid Waste Technology Center.
2. Proposed Resolution to Approve the Allocation of Funds for Various Non-Profit Agencies from the FY 2006 Council Contingency Fund.
(County Council)
3. **DELETED**
4. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with Spotless Janitorial for Janitorial Services at the Savannah River Research Park.
(Administrative Committee)
5. Proposed Resolution to Authorize the Aiken County Public Service Authority to Implement the Cost Settlement Flows for FY 2005 and to Set Customer Billing Estimated Flows for FY 2006.
(Development Committee)
6. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with Jack Rogers Tire and Wingfoot Commercial Tire for Heavy Equipment Tires.
(Development Committee)
7. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with Wingfoot Commercial Tire and Jack Rogers for Pursuit/Mileage Tires.
(Development Committee)
8. **DELETED**
9. Proposed Resolution to Assign the Official Road Names to Existing Un-Named Private Roads in County Council District 1 and 3.
(Rawls, McKenzie)
10. Proposed Resolution to Direct that Speed Limit Signs be Erected on Pearl Bonnet Road (C-834) Located in Council District 1 and on Crabapple Lane (C-129) Located in Council District 6.
(Rawls, Barton)
11. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with West Chatham Warning Devices for Equipment and Installation.
(Judicial and Public Safety Committee)

12. Proposed Resolution to Authorize the Addition of One Vehicle to the County Fleet for the ABBE Library.
(Administrative Committee)
13. Proposed Resolution to Authorize the County Administrator to Dispose of Surplus Property.
(Development Committee)
14. Proposed Resolution to Authorize the Reduction of Fees for the Town of Burnetown for the Use of Harrison Caver Park for the Sassafras Festival.
(Development Committee)
15. Proposed Resolution to Authorize the Waiver of Fees for the Use of Langley Pond by Working for Christ Ministries and Impact Ministries for the Jerusalem Market Place Evangelism Event.
(Development Committee)
16. Proposed Resolution to Accept 13 Easements on Horse Creek Road (C-238) Needed for a C-Fund Paving Project.
(Development Committee)
17. Proposed Resolution to Accept Easements on Andrews Circle (C-493), Flowing Well Road (S-264), and Joyce Branch Road (C-710) Needed for Capital Projects Sales Tax Paving Project.
(Development Committee)
18. **DELETED**
19. Proposed Resolution to Authorize the Chairman to Execute a Memorandum of Understanding With the City of Aiken Concerning the Whiskey Road-Powderhouse Road Connector Study.
(County Council)
20. Proposed Resolution to Delete Big Tree Road (C-809) from the List of Roads to be Paved Utilizing the Capital Projects Sales Tax.
(Development Committee)
21. Proposed Resolution to Name the Three Rivers Solid Waste Authority as the Planning Agency for Solid Waste Management in Aiken County and to Dissolve the Aiken County Solid Waste Management Plan.
(Development Committee)
22. Proposed Resolution to Object to the Closing of Cobblestone Road (C-514) and Cooper Pond Road (C-935).
(Rawls)
23. Proposed Resolution to Authorize the Acceptance of a Grant from the United States Department of Justice, Office of Justice Programs for the Solicitor's Office.
(Judicial and Public Safety Committee)
24. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 127-06-01-009 Located at 2193 & 2195 Williston Road (US-278), New Ellenton, SC in Council District 2 from RC to RD.
(Singer) (Second Reading)

- 25. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 106-12-12-003 Located at 116 Thomas Street (S-1999), Aiken, SC in Council District 7 from RC to OR.
(Bunker) (Second Reading)
- 25a. Proposed Resolution to Authorize the Execution of an Easement Agreement With the State of South Carolina for a 12" Sewer Line for the Beech Island Sewer Project.
(ADDITION)
- 25b. Proposed Resolution to Approve Clearing for New Holland Fire Department.
(ADDITION)

II. CONSENT AGENDA/INTRODUCTION OF ORDINANCES FOR FIRST READING

- 26. Proposed Ordinance to Amend Chapter 5.5 Cable Television of the Aiken County Code of Ordinances to Reflect Changes in Franchise Application, Transfer and Renewal Fees.
(Development Committee)
- 27. **DELETED**
- 28. Proposed Ordinance to Amend the FY 2006 County Operating Budget to Reduce the Fees Established in the FY 2006 County Budget Ordinance for the Probate Judge.
(Judicial and Public Safety Committee)
 - a. Councilman Hightower made a motion to approve the Consent Agenda. Councilwoman Rawls seconded.
 - b. Councilman Smith questioned Consent Item 12. Councilman Singer clarified that the vehicle would not be replaced at a later time by the County.
 - c. The Consent Agenda was approved by unanimous vote.

(I) NEW BUSINESS

- 1. **DELETED**
- 2. Proposed Voice Motion To Approve the Job Description for Nuisance Officer I, II, III and Grade of Position in the Planning & Development Department.
(ADDITION)
 - a. Councilman Barton made a motion to approve the Voice Motion. Councilwoman McKenzie seconded.
 - b. Passed by unanimous vote with Councilman Smith and Councilman Bunker abstaining.

(J) ITEMS FOR INFORMATION AND THE PUBLIC RECORD

- 1. Fiscal Year 2005 Aiken County Contingency Report as of August 17, 2005.

(K) INFORMAL MEETING OF WHOLE

- a. Mr. Ed Giobbe and several other concerned citizens presented Council with the following questions in reference to the TIF project:

1. Does the FineDeering Redevelopment Project qualify for TIF funding under the Act as recently amended? What is the opinion of the Attorney General? Should a vote be taken by the Council without first getting an opinion from the Attorney General?
 2. What due diligence has the County conducted? Will the Council publish their due diligence findings? Can Council members properly carry out their responsibility and accountability to the taxpayer by voting without thorough due diligence? What is the consequence of the Council taking on \$63 million in County financial liability without professional due diligence?
 3. What is the financial impact of the FineDeering Project, in the best and worst case scenarios on: (i) Aiken County Taxpayers, (ii) Aiken County Developers, (iii) Aiken County Housing Market; and (iv) additional Aiken County TIF-funded projects?
 4. What is the Aiken County School Board's response to educating the new students associated with 5000 additional homes in the County?
 5. Will the County Council authorize funding for outside professional assistance to help assess the FineDeering proposal, its impact on County Taxpayers, and the risk of additional tax burden passing on to current taxpayers?
 6. The Project includes two bridges costing \$10 million to traverse the wetlands. Considering these extensive wetlands in the Trolley Run Station site, how can the Council vote on the Project without first having favorable environmental impact study results?
 7. Will FineDeering proceed with the Project without the TIF funding as they have indicated on two separate occasions? If the answer is yes, why is the Council considering taking on this taxpayer liability to benefit a private investor?
 8. Have any elected County officials had contact (phone calls, correspondence, emails, etc.) with representatives of FineDeering, relating to the FineDeering project prior to the initial County Council "midnight" vote on the Project? Full public disclosure of such contact or subsequent contact is requested for each Council member prior to any vote.
 9. What are the consequences of a Council member voting on the FineDeering Redevelopment TIF Project where there is a "conflict of interest"?
 10. Who is FineDeering?
- b. Mr. Walter Key Jr. thanked Council for paving Keys Pond Road and for assisting the citizens opposed to the closing of Cobblestone Road.
 - c. Mr. Franklin Jackson cautioned about the safety hazard posed by the creek at Harrison Caver Park during the Sassafras Festival sponsored by Burnetown.
 - d. Mr. Wallace Bixley, Shiloh Heights Subdivision, stated that the roads in the subdivision needed to be resurfaced and that the residents needed a bike trail or walking track.
- Mr. Killian stated that he would forward the request for resurfacing on to the State.
- e. A citizen living close to Joyce Branch and Shaw's Creek raised concerns about construction in that area because of the flood plain.
- Mr. Killian explained that prior to any construction, plans would have to be submitted and a

flood plain review as well as building codes and other criteria would be applied to those plans.

- f. Councilman Singer commented that the Council should have answers to all the questions presented about the TIF, a timetable and a cost analysis prior to any further vote.

Councilman Bunker agreed with Councilman Singer.

- g. Councilman Smith made a motion to recess for Executive Session. Councilwoman McKenzie seconded.
- h. The motion to recess passed by unanimous vote.

RECESSED – 8:30 P. M.

(L) EXECUTIVE SESSION

- 1. Legal Matters:
 - a. Status Report on Pending Litigation, Legal Claims and Legal Advice.
(County Attorney) (Verbal)
- 2. Contractual Matters:
- 3. Personnel Matters:

RECONVENED – 11:10 P. M.

- a. Following Executive Session, Councilman Smith made a Voice Motion to move forward and authorize and direct the Attorney, Mr. Charlton deSaurre, Jr., to file suit in Federal Court against the US Department of Energy and the DOE Secretary for the failure to comply with Federal Law regarding construction of the Mix Oxide Fuel Plant at Savannah River Site. Councilman Singer seconded the Voice Motion.
- b. The Voice Motion passed by majority vote with Councilwoman Rawls, Councilman Singer, Councilwoman McKenzie, Councilman Smith and Councilman Hightower voting in favor. Councilman Barton, Councilman Bunker and Chairman Young abstained.
- c. Councilman Singer made a motion to adjourn the meeting. Councilman Hightower seconded.
- d. The motion to adjourn passed by unanimous vote.

(M) ADJOURNMENT – 11:13 P. M.

Respectfully submitted,

SIGNED:

Tamara Sullivan, Council Clerk

Ronnie Young, Chairman